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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009 - 44

13 RHONDA RENEE JORDAN
14 9475 La Salle Avenue
15 Los Angeles, CA 90047

ACCUSATION

16 Registered Nurse License No. 469035

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation solely
21 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about March 31, 1992, the Board of Registered Nursing issued
24 Registered Nurse License No. 469035 to Rhonda Renee Jordan (Respondent). The Registered
25 Nurse License was in full force and effect at all times relevant to the charges brought herein and
26 will expire on February 28, 2010, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board of Registered Nursing
(Board), Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 STATUTORY PROVISIONS

3 4. Section 2750 of the Code provides, in pertinent part, that the Board may
4 discipline any licensee, including a licensee holding a temporary or an inactive license, for any
5 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6 5. Section 2764 of the Code provides, in pertinent part, that the expiration of
7 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
8 against the licensee or to render a decision imposing discipline on the license. Under section
9 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
10 the expiration.

11 6. Section 2761 of the Code states:

12 "The board may take disciplinary action against a certified or licensed nurse or
13 deny an application for a certificate or license for any of the following:

14 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

15 ...

16 "(f) Conviction of a felony or of any offense substantially related to the
17 qualifications, functions, and duties of a registered nurse, in which event the record of the
18 conviction shall be conclusive evidence thereof."

19 7. Section 2762 of the Code states:

20 "In addition to other acts constituting unprofessional conduct within the meaning
21 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
22 under this chapter to do any of the following:

23 "(b) Use any controlled substance as defined in Division 10 (commencing with
24 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
25 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
26 injurious to himself or herself, any other person, or the public or to the extent that such use
27 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
28 license.

1 "(c) Be convicted of a criminal offense involving the prescription, consumption,
2 or self-administration of any of the substances described in subdivisions (a) and (b) of this
3 section, or the possession of, or falsification of a record pertaining to, the substances described in
4 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
5 thereof."

6 8. Section 2765 of the Code states:

7 "A plea or verdict of guilty or a conviction following a plea of nolo contendere
8 made to a charge substantially related to the qualifications, functions and duties of a registered
9 nurse is deemed to be a conviction within the meaning of this article. The board may order the
10 licence or certificate suspended or revoked, or may decline to issue a license or certificate, when
11 the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or
12 when an order granting probation is made suspending the imposition of sentence, irrespective of
13 a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such
14 person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the
15 verdict of guilty, or dismissing the accusation, information or indictment."

16 9. Section 490 of the Code states:

17 "A board may suspend or revoke a license on the ground that the licensee has been
18 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
19 of the business or profession for which the license was issued. A conviction within the meaning
20 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
21 contendere. Any action which a board is permitted to take following the establishment of a
22 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
23 been affirmed on appeal, or when an order granting probation is made suspending the imposition
24 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
25 Penal Code."

26 10. California Code of Regulations, title 16, section 1444, states:

27 "A conviction or act shall be considered to be substantially related to the
28 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the

1 present or potential unfitness of a registered nurse to practice in a manner consistent with the
2 public health, safety, or welfare.”

3 11. Section 125.3 of the Code provides, in pertinent part, that the Board may
4 request the administrative law judge to direct a licensee found to have committed a violation or
5 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
6 and enforcement of the case.

7 FIRST CAUSE FOR DISCIPLINE

8 (Conviction of Substantially Related Crimes)

9 12. Respondent is subject to disciplinary action under section 2761,
10 subdivision (f) and 2765 of the Code, as defined in California Code of Regulation, title 16,
11 section 1444, in that Respondent was convicted of crimes substantially related to the
12 qualifications, functions and duties of a licensed registered nurse, as follows:

13 a. On or about January 19, 2007, in a criminal matter entitled, *The People of*
14 *the State of California v. Rhonda Jordan*, in the Superior Court of the State of California, County
15 of Los Angeles (Case No. 6MP06681), Respondent was convicted on a plea of nolo contendere
16 to one count of violating Penal Code section 192 (c)(2) - Vehicular manslaughter, a felony.

17 b. The circumstances surrounding the conviction are that on or about April 6,
18 2006, Respondent was involved in a traffic collision, whereby upon completion of the
19 investigation conducted by the Los Angeles Police Department, it was determined that
20 Respondent proceeded through a red light and collided with another vehicle at the intersection of
21 Manchester and Figueroa Boulevard, fatally injuring the driver of the other vehicle. Respondent
22 was arrested for violating Penal Code section 192, subdivision (c)(2) - Vehicular manslaughter.

23 c. On or about January 19, 2007, in a criminal matter entitled, *The People of*
24 *the State of California v. Rhonda Jordan*, in the Superior Court of the State of California, County
25 of Los Angeles (Case No. 6MP09121), Respondent was convicted on a plea of nolo contendere
26 to one count of violating Penal Code section 23152 (a) - Driving under the influence of alcohol
27 or drugs, a misdemeanor.

28 d. The circumstances surrounding the conviction are that on or about

1 September 7, 2006, Respondent was involved in a traffic collision, whereby, while driving her
2 vehicle, she rear-ended a parked vehicle, and later admitted to Los Angeles Police Department
3 officers that she was under the influence of a prescription medication. Respondent was arrested
4 for violating Penal Code section 23152 (a), driving under the influence of alcohol or drugs.

5 SECOND CAUSE FOR DISCIPLINE

6 (Convictions Involving Use of Controlled Substances)

7 13. Respondent is subject to disciplinary action under section 2762,
8 subdivision (c), in that on January 19, 2007, Respondent was convicted of criminal offense(s)
9 involving the use of controlled substances, as more fully stated above in paragraph 12,
10 subsections (a) through (d).

11 THIRD CAUSE FOR DISCIPLINE

12 (Under the Influence of Drugs)

13 14. Respondent is subject to disciplinary action under section 2762,
14 subdivision (b), in that Respondent violated the Nursing Practice Act, and regulations adopted
15 pursuant to it, as follows:

16 a. On or about August 12, 2006, Respondent, while on duty at the Los
17 Angeles County Department of Mental Health (LACMH), fell to the ground in a near
18 unconscious state. On August 24, 2006, a Board complaint was filed by LACMH Team Leader
19 Stacy Williams, which stated that Respondent admitted to taking drugs shortly before the
20 incident.

21 b. On or about September 6, 2006, Respondent was the subject of a
22 complaint submitted to the Board by her supervisor, Lawrence A. Hurst. According to the
23 complaint, Mr. Hurst observed Respondent, while on duty, to be unstable, with retarded
24 ambulation, and slurred speech. Respondent's impaired condition was also witnessed by staff
25 members, Monica Brennan and Stacy Williams, R.N.

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1 PRAYER


2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing (Board), Department of
4 Consumer Affairs issue a decision:

5 1. Revoking or suspending Registered Nurse License Number 469035, issued
6 to Rhonda Renee Jordan

7 2. Ordering Rhonda Renee Jordan to pay the Board of Registered Nursing
8 (Board), Department of Consumer Affairs the reasonable costs of the investigation and
9 enforcement of this case, pursuant to Business and Professions Code section 125.3;

10 3. Taking such other and further action as deemed necessary and proper.

11 DATED: 9/8/08

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14 RUTH ANN TERRY, M.P.H, R.N
15 Executive Officer
16 Board of Registered Nursing
17 State of California
18 Complainant

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